(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No.3772 of 2007

Petitioner	1.	Chandra Mohan Hirwani Age about 47 years, Asstt. Teacher, S/o. Late Shri Narayan Lal Sahu Govt. Primary School, Murmunda, Block - Dongargarh, Distt. - Rajnandgaon (C.G.)
	2.	Baidyanath Nagendra, Age about 44 years, Asstt. Teacher, S/o Late Shri Dhola Lal Nagendra, Govt. Primary School, Budhasagar, Block - Chhuikhadan, Distt. - Rajnandgaon (C.G.)
	Versus	
Respondents.	1.	State Government of Chhattisgarh Through: Secretary, Tribal & Education Department D.K.S. Bhawan, Raipur (C.G.)
	2.	District Education Officer Rajnandgaon, Distt. - Rajnandgaon (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri Ajay Shrivastava, counsel for the petitioner.
Smt. Anju Ahuja, Dy. G.A. for the State/respondents.

ORDER
(Passed on 3rd July, 2007)

The petitioners No.1 and 2 were appointed on 13.09.1982 (Annexure P-1) and 28.06.1982 (Annexure P-2) respectively, as Assistant Teachers on fixed pay scale of Rs.150/-. After completion of two year probation, they were granted pay scale of Rs.169-300/-.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is as to whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

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3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Ravishankar Patel Vs. State of Chhattisgarh and others (W.P.(S) No.893 of 2007) by order dated 14.02.2007, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ravishankar Patel Vs. State of Chhattisgarh and others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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